



DAC / IFW
Z

Docket No.: SHO-0023
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masaaki Asonuma

Confirmation No.: 9039

Application No.: 10/697,249

Art Unit: N/A

Filed: October 31, 2003

Examiner: Not Yet Assigned

For: GAMING MACHINE

**PETITION UNDER 37 C.F.R. §1.47 TO ACCEPT DECLARATION WHEN INVENTOR
REFUSES TO JOIN IN APPLICATION**

MS Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Petition is in response to the Decision on Petition mailed on December 30, 2004. A Petition To Extend Time For Response To Within The First Month is filed along with this Petition.

The invention of the above-identified application, filed on October 31, 2003, was created by inventor, Masaaki Asonuma, during his employment with ARUZE Corp. ("ARUZE") and under written contract to assign any and all inventions developed in connection with that employment to ARUZE.

A Notice To File Missing Parts Of Nonprovisional Application was mailed on August 11, 2004. That Notice provides, *inter alia*, that a properly signed oath or declaration in compliance with 37 C.F.R. §1.63 is required to avoid abandonment of the above-identified application.

A Petition Under 37 C.F.R. §1.47 To Accept Declaration When Inventor Refuses To Join In Application was filed on October 1, 2004, along with a Response To Notice To File

Missing Parts Of Application. That Petition alleges that Mr. Asonuma has refused to join in the above-identified application.

In response to the Petition of October 1, 2004, a Decision on Petition was mailed on December 30, 2004. That Decision explains that before a refusal can be alleged, the Applicant must demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor.

Accordingly, this Petition is proper.

Petition including proof of the pertinent facts

The 37 C.F.R. §1.47(b) applicant must state his or her relationship to the inventor as required by 37 C.F.R. §1.64. See M.P.E.P. §409.03(b).

Provided along with this Petition is a Second Declaration Under 37 C.F.R. § 1.132 executed on March 18, 2005 by Mr. Nobuo Yaegashi, General Manager of the Patent Department for ARUZE, that states the relationship of Nobuo Yaegashi as an authorized representative of ARUZE. ARUZE is the former employer of Masaaki Asonuma.

The application must be accompanied by proof that the inventor (1) cannot be found or reached after a diligent effort or (2) refuses to execute the application papers. See M.P.E.P. §409.03(d).

The Second Declaration Under 37 C.F.R. §1.132 submits proof of the diligent effort undertaken by ARUZE in forwarding the application papers to Mr. Asonuma and in seeking the execution by Mr. Asonuma of the revised unexecuted Declaration upon review of the application papers.

The evidence of record establishes that the revised unexecuted Declaration lists the mailing address for the nonsigning inventor, Mr. Masaaki Asonuma, as 3-23-7-2, Maehara-

higashi, Funabashi-shi, Chiba, Japan, and that Mr. Asonuma cannot be found or reached after diligent effort or refuses to execute the application papers.

The 37 C.F.R. §1.47(b) applicant must make out a prima facie case (1) that the invention has been assigned to him or her or (2) that the inventor has agreed in writing to assign the invention to him or her or (3) otherwise demonstrate a proprietary interest in the subject matter of the application. See M.P.E.P. §409.03(f).

Also provided along with this Petition is an Assignment from the inventor, Masaaki Asonuma, to ARUZE.

Where a corporation is the 37 C.F.R. §1.47(b) applicant, an officer (President, Vice-President, Secretary, Treasurer, or Chief Executive Officer) thereof should normally sign the necessary oath or declaration. See M.P.E.P. §409.03(b).

The Declaration And Power Of Attorney For Patent Application provided along with this Petition has been executed on behalf of Masaaki Asonuma by Nobuo Yaegashi, an Assistant General Manager with ARUZE.

Showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage

The 37 C.F.R. §1.47(b) applicant must prove that the filing of the application is necessary (1) to preserve the rights of the parties or (2) to prevent irreparable damage. See M.P.E.P. §409.03(g).

The Declaration And Power Of Attorney For Patent Application includes a claim of foreign priority benefits under 35 U.S.C. §119 to Japanese Patent Application No. 2002-335116 filed on November 19, 2002.

An application for patent for an invention filed in this country by any person who has, or whose legal representatives or assigns have, previously regularly filed an application for

a patent for the same invention in a foreign country which affords similar privileges in the case of applications filed in the United States or to citizens of the United States, or in a WTO member country, shall have the same effect as the same application would have if filed in this country on the date on which the application for patent for the same invention was first filed in such foreign country, *if the application in this country is filed within twelve months from the earliest date on which such foreign application was filed.* 35 U.S.C. §119(a).

Accordingly, the above-identified application was filed on October 31, 2003, within twelve months from the earliest date on which Japanese Patent Application No. 2002-335116 was filed (1) to preserve the rights of the parties or (2) to prevent irreparable damage.

As shown hereinabove, a favorable Decision on Petition is necessary to preserve the rights of the parties or to prevent irreparable damage.

The fee set forth in §1.17(g)

Please charge Deposit Account No. 18-0013 in the amount of \$200.00 in payment of the Petition fee.

The last known address of all of the inventor

The last known address of the nonsigning inventor, Masaaki Asonuma, is 3-23-7-2, Maehara-higashi, Funabashi-shi, Chiba.

Conclusion

Upon this petition and in view of the evidence submitted, it is requested that the Declaration And Power Of Attorney For Patent Application provided herewith, which has been

executed by Nobuo Yaegashi, be accepted, and that the application may be made by Nobuo Yaegashi on behalf of the omitted inventor, Masaaki Asonuma.

If any fee is required or any overpayment made, the Commissioner is hereby authorized to charge the fee or credit the overpayment to Deposit Account # 18-0013.

Dated: March 29, 2005

Respectfully submitted,

By 

Brian K. Dutton

Registration No.: 47,255

RADER, FISHMAN & GRAUER PLLC

1233 20th Street, N.W.

Suite 501

Washington, DC 20036

(202) 955-3750

Attorney for Applicant

(translation)

ASSIGNMENT

November 28, 2002

Assignee Address: 1-25, Ariake 3-chome, Koto-ku, Tokyo
Name : ARUZE CORP.

Assignor Address: 3-23-7-2, Maehara-higashi, Funabashi-shi, Chiba
Name: Masaaki ASONUMA (seal)

Assignor Address:
Name:

Assignor Address:
Name:

Assignor Address:
Name:

Assignor Address:
Name:

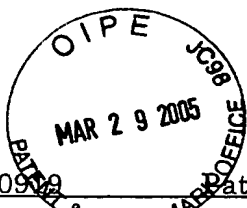
I/We (Assignor/Assignors) hereby assign ARUZE CORP. the right to have profit from patent right (utility model right) the invention entitled below may bring.

1. Title of the Invention (invention described in Invention Report)

Liquid Crystal Display Device to be arranged in front of a reel (restricted to reel back light for demonstration)

[to be used for FIREWORKS SCENERY]

(Ref. No. P02-0919)



Submission Date: November 19, 2004

Ref. No. P02-0919 Pat. Appln. 2002-335116

pgs:1/1

【Title of Document】 Patent Application

【Reference No.】 P02-0919

【Addressed to】 Commissioner, Japan Patent Office

【International Patent Classification】 A63F 5/04

【Title of the Invention】 GAMING MACHINE

【Inventor】

【Address】 Ariake Frontier Building A, 3-1-25, Ariake, Koto-ku, Tokyo

【Name】 Masaaki ASONUMA

【Patent Applicant】

【Identification No.】 598098526

【Name】 ARUZE Corp.

【Administrator】

【Identification No.】 100081477

【Patent Attorney】

【Name】 Susumu HORI

【Appointed Administrator】

【Identification No.】 100079522

【Patent Attorney】

【Name】 Kazuko HORI

【Indication of Fees】

【Advance Payment Book Number】 010906

【Amount Paid】 21,000 Yen

【List of Attached Document】

【Title of Document】 Specification 1

【Title of Document】 Drawings 1

【Title of Document】 Abstract 1

【General Power of Attorney No.】 9814810

【Necessity of Proof】 Yes

譲渡証書

平成 18 年 11 月 28 日

譲受人 住所 東京都江東区有明 3 丁目 1 番地 2 5
名称 アルゼ株式会社 殿

譲渡人 住所 千葉県船橋市前原 3 丁目 7-2
氏名 阿曾 正明



譲渡人 住所
氏名

印

譲渡人 住所
氏名

印

譲渡人 住所
氏名

印

譲渡人 住所
氏名

印

下記の発明（考案）に関する特許（実用新案登録）を受ける権利を貴社に譲渡した
ことに相違ありません。

記

1. 発明（考案）の名称 {発明届書に記載の発明（考案）}

リール前面に液晶式表示装置（デモ中もリールバックライト限定）〔花火百景実施〕
（整理番号 P 0 2 - 0 9 1 9 ）

提出日 平成14年11月19日

整理番号=P02-0919

特願2002-335116

頁: 1/ 1

【書類名】 特許願

【整理番号】 P02-0919

【あて先】 特許庁長官殿

【国際特許分類】 A63F 5/04

【発明の名称】 遊技機

【発明者】

【住所又は居所】 東京都江東区有明3丁目1番地25 有明フロンティアビルA棟

【氏名】 阿曾沼 正明

【特許出願人】

【識別番号】 598098526

【氏名又は名称】 アルゼ株式会社

【代理人】

【識別番号】 100081477

【弁理士】

【氏名又は名称】 堀 進

【選任した代理人】

【識別番号】 100079522

【弁理士】

【氏名又は名称】 堀 和子

【手数料の表示】

【予納台帳番号】 010906

【納付金額】 21,000円

【提出物件の目録】

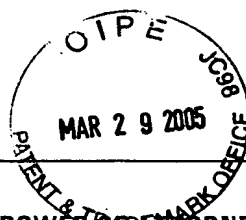
【物件名】 明細書 1

【物件名】 図面 1

【物件名】 要約書 1

【包括委任状番号】 9814810

【ブルーフの要否】 要



DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION
English Language Declaration

As an authorized representative of ARUZE Corp., the former employer of the below named inventor and holder of all rights in and to the invention disclosed in the below-identified patent application, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe that Masaaki Asonuma is the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

"GAMING MACHINE."

The specification of which

(check one)

☐ is attached hereto.

☒ was filed on October 31, 2003 as

Application Serial No. 10/697,249
 and was amended on
 (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent of inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

Priority Claimed

2002-335116 Japan 19/November/2002
 (Number) (Country) (Day/Month/Year Filed)

☒ ☐
 Yes No

 (Number) (Country) (Day/Month/Year Filed)

☐ ☐
 Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 and 1.63(d) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

 (Application Serial No.)

 (Filing Date)

 (Status)
 (patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

English Language Declaration

POWER OF ATTORNEY: As an authorized representative of assignee in connection with this application, I hereby appoint the practitioners associated with Customer No. 23353 including at least the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

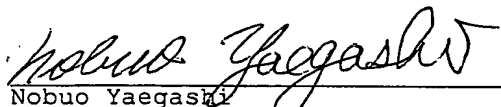
Ronald P. Kananen, Reg. No. 24,104; David T. Nikaido, Reg. No. 22,663; Ralph T. Rader, Reg. No. 28,772; Michael D. Fishman, Reg. No. 31,951; Carl Schaukowitch, Reg. No. 29,211; Lee Cheng, Reg. No. 40,949; Robert S. Green, Reg. No. 41,800; Brian K. Dutton, Reg. No. 47,255; Shawn B. Cage, Reg. No. 51,522; and Toshikatsu Imaizumi, Limited Recognition.

Send Correspondence to:

Direct telephone calls to:

RADER, FISHMAN & GRAUER PLLC
The Lion Building
1233 20th Street, N.W.
Washington, D.C. 20036
Customer No. 23353

(202) 955-3750


Nobuo Yaegashi
Assistant General Manager

September 16, 2004
Date

Signing on behalf of inventor Masaaki Asonuma (Citizenship: Japan; Last Known Mailing Address: 73-23-7-2, Maehara-higashi, Funabashi-shi, Chiba, Japan)

and on behalf of assignee:

ARUZE Corp.
a Corporation of Japan with offices at
3-1-25 Ariake, Koto-ku,
Tokyo 135-0063 JAPAN



Docket No.: SHO-0023
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Masaaki Asonuma

Application No.: 10/697,249

Confirmation No.: 9039

Filed: October 31, 2003

Art Unit: N/A

For: GAMING MACHINE

Examiner: Not Yet Assigned

SECOND DECLARATION UNDER 37 C.F.R. § 1.132

MS Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned hereby declares that:

1. I am General Manager of Patent Department of ARUZE Corp. who is responsible for handling intellectual property, specifically patent, matters and is authorized representative of ARUZE Corp., assignee of above-identified application, to execute this Declaration. I am also designated to manage the above-identified patent application by ARUZE Corp.

2. Further to my communication with the sole inventor of the above-identified application, Mr. Masaaki Asonuma, who refused to sign the declaration as described in my Declaration filed October 1, 2004, and in view of Decision Refusing to Accord Status under 37 CFR § 1.47(a) mailed December 30, 2004, we again mailed, with as registered mail, Declaration and Power of Attorney, Assignment, a copy of specification and drawings as filed in Japanese of the above identified application, and

English translation of the specification to Mr. Asonuma on February 3 2005, at his last known address of 3-23-7-2, Maehara-higashi, Funabashi-shi, Chiba 274-0824 Japan, and requested his execution of a declaration as required by 37 C.F.R. § 1.63. The transmittal letter enclosed together with these documents and its English translation are attached hereto as Appendix A. A receipt of the mail issued by the Post Office with a date record of February 3, 2005 and its translation in English are attached hereto as Appendix B. Tracking record showing the receipt of the mail, that is available through Internet at URL of http://post.post.japanpost.jp/cgi-bin/registered-detai?tr_num=601-12-55042-2, printed on February 24, 2005 and its translation in English is attached as Appendix C.

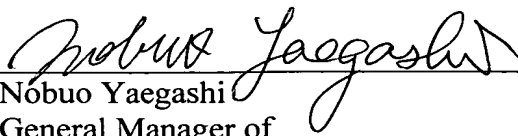
3. The mail was received at 2:45 p.m. on February 4, 2005 according to the tracking record (see Appendix C). No response from Mr. Asonuma has been received as of today. Since Mr. Asonuma's telephone number is not available, we cannot conduct oral communication with Mr. Asonuma. Thus we conclude that further mailing of the same documents will result in the same manner and will be useless.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Wherefore, I hereby subscribe my name to the foregoing Declaration.

Mar. 18. 2005
Date

DC186334


Nobuo Yaegashi
General Manager of
Patent Department
ARUZE Corp.

ARUZE Corp.
Ariake Frontier Bldg., A-Bldg.
3-1-25, Ariake, Koto-ku, 135-0035 Tokyo

Mr. Masaaki Asonuma

February 2, 2005
Patent Department
General Manager: Nobuo Yaegashi (Seal)
Foreign Manager: Kouhei Kawase (Seal)
Person in Charge: Kayo Chaen (Seal)

Dear Mr. Asonuma:

Please attend the following matters.

Sincerely yours.

Matter Name: Execution of Documents

As we have communicated earlier in connection with the matter above, we filed a patent application in the United States (filing date : October 31, 2003) based on Japanese Patent Application No. 2002-335116, wherein Mr. Asonuma is an inventor. The filing of the application has necessitated that Mr. Asonuma execute (1) the Declaration and Power of Attorney and (2) Assignment.

Your execution of the documents enclosed (two places) and return by February 18, 2005 would be greatly appreciated, even though the request is repeatedly made.

Further, if you would not like to execute the documents, it would be appreciated if you could return the following documents to us, even though it would be inconvenient for you.

If you have any question, please let us know at any time.

| | | |
|-------------|---|------------|
| Enclosures: | 1. Declaration and Power of Attorney | 1 document |
| | 2. Assignment | 1 document |
| | 3. Specification for US filing in Japanese | 1 document |
| | 4. English translation of the above specification | 1 document |
| | 5. Return envelope | 1 document |

アルゼ株式会社

〒135-0035 東京都江東区有明 3-1-25

有明フロンティアビル A棟

TEL : 03-5530-3055 FAX : 03-5530-3081

送 付 書

阿曾沼 正明 様

2005 年 2 月 2 日 (水)

TEL : 03-5530-3055

FAX : 03-5530-3081

特許部

総括責任者：八重樫信夫

海外責任者：川瀬光平

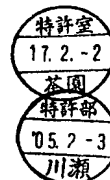
担当： 茶園佳代

拝啓 時下ますますご清栄のこととお喜び申し上げます。

さて、下記の件につきましてお取り計らい下さいます様お願い申し上げます。

敬具

件 名 : 署名の件



標記件に関しまして、前にもご連絡致しましたが、阿曾沼様が発明者である日本特許出願 2002-335116 号に基づいて米国（出願日：2003 年 10 月 31 日）へ特許出願を行いました。当該出願に伴い、①宣誓書兼委任状、及び②譲渡証書に阿曾沼様の署名が必要となりました。

つきましては、重ねてお願い申し上げますが、2005 年 2 月 18 日（金）までに同封の書類に署名（2 箇所）をしてご返送して戴きたく、宜しくお願い申し上げます。

なお、ご本意にそぐわない場合でも、誠にご面倒をお掛け致しますが、下記書類をご返送して戴きたく宜しくお願い申し上げます。

ご不明な点などございましたら、何時でもご連絡下さい。

| | | |
|-------|----------------|-----|
| 同封書類： | 1. 宣誓書兼委任状 | 1 通 |
| | 2. 譲渡証書 | 1 通 |
| | 3. 米国日本語出願用明細書 | 1 通 |
| | 4. 上記明細書の英訳文 | 1 通 |
| | 5. 返信用封筒 | 1 通 |

以上

Registered Mail/Delivery Record Mail Receipt (Customer Copy)

| | | | | |
|--|----------------|------|---|--------------------------------|
| (Sender's Address/Name) ARUZE Corp. Mr. Nobuo Yaegashi | | | | |
| Recipient's Name | Receipt No. | Fee | Insured Amount | Item |
| Masaaki Asonuma | 601-12-55042-2 | ¥970 | | Documents <i>Kilo, soku</i> |
| | | | | |
| | | | | |
| Notes : [translation omitted] | | | Tokyo in TFT Post Office February 3, 2005 12-18 | |

書留・配達記録郵便物受領証(お客様控)

| | | | | |
|-----------------|--------------------|------|---------|-------------|
| (差出人の住所氏名) | | | | |
| アールセ (株) ハ重樫信夫様 | | | | |
| 受取人の氏名 | 引受番号 | 郵便料 | 申出損害要償額 | 摘要 |
| 阿曾沼正明様 | 601-12- 55042-2 | ¥970 | --- | 書類 ¥0.50 |
| 様 | | | | |
| 様 | | | | |

ご注意 この受領証は、損害賠償の請求をするときその他の場合に必要ですから大切に保存してください。
 簡易書留の損害賠償額は、原則として5万円を限度とする実損額です。

摘要欄：カン(簡易)、キロ(配達記録)、ソク(速達)、ハイ(配達証明)の記号 ナイ(内容証明)、トク(特別送達)、ダイ(代金引換)ジ(引受時刻証明)、シテ(配達日指定)

配達状況がわかります。フリーダイヤル 0120-232886
 インターネット <http://www.post.japanpost.jp>

〒171-0664 郵便局

17.02.03*12-18

Tracking Registered Mails

Your "Registered Mail" Has Been Found

The number searched is 601-12-55042-2 (delivery registered mail).

| Date When Condition Occurred | Post Office Name | Condition | Remarks | Zip Code | Prefecture |
|------------------------------|-------------------|------------------------|---------|----------|------------|
| 2/3 | Within TFT | Received | | 135-0063 | Tokyo |
| 2/4 | Funabashi-higashi | Arrived | | 274-8799 | Chiba |
| 2/4 at 14:45 | Funabashi-higashi | Delivered to addressee | | 274-8799 | Chiba |

2005/02/24 18:48



検索した番号は 601-12-55042-2(配達記録郵便)です

| 状態 発生日 | 郵便局名 | 状態 | 備考 | 郵便番号 | 県名等 |
|---------------|------|-----------|----|----------|-----|
| 2月3日 | TFT内 | 引受 | | 135-0063 | 東京 |
| 2月4日 | 船橋東 | 到着 | | 274-8799 | 千葉 |
| 2月4日 14:45 | 船橋東 | お届け先にお届け済 | | 274-8799 | 千葉 |

[TOP](#) [郵便局を調べる](#)[小包](#)[書留](#)[翌朝10時郵便](#)[EMS](#)